IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2611 OF 2005

Natesha Securities .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.S.V.Marwadi i/b/ Mr.Sushant Narkar for the petitioner.
Mr.S.A.Sawant i/b Sandesh Deshpande for respondent no.2.
Mr.S.V.More A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 29TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. The petitioner, in this writ petition has prayed for quashing of the proceedings against the petitioner in C.C.No.440 of 1997 pending before the Learned Judicial Magistrate, First Class, Pune. The petitioner had filed an application under section 326(3) of the Code of Criminal Procedure for holding denovo trial. In this matter, admittedly, the evidence was recorded and the arguments were also heard much prior to the amendment by which section 143 was inserted confering the power on the Court to try cases summarily. In my opinion, the contentions raised in the application and before me relying upon section 326(3) of the Code need not be considered

in view of the fact that the trial was not conducted as summary trial. The learned Magistrate has rightly rejected the said application. I do not find any reason to interfere with the impugned order. The petition is, accordingly, rejected.

(D.B.Bhosale, J.)